

### **REMARKS**

Applicant respectfully requests reconsideration. Claims 1, 3-6, 10-12 and 20-23 were previously pending in this application. Claim 1 has been amended. Support for the amendment can be found in the specification, for example at page 20, lines 34-36. No new matter has been added.

### **Interview Summary**

Applicant thanks the Examiner for the courtesy extended to Applicant in the interview of May 8, 2008. As indicated by the Examiner in the Interview Summary mailed on May 14, 2008, the nature of the claimed invention and the rejection of the claims over the Lorincz reference was discussed.

### **Rejections Under 35 U.S.C. § 103**

1. The Examiner rejected claims 1, 3-6, 20, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Lorincz (WO 99/29890 A2). Applicant respectfully requests reconsideration of the rejection.

Without conceding the correctness of the rejection, Applicant has amended claim 1 to facilitate allowance of the claims by reciting that positive expression refers to presence of more than 50 copies of said E6 mRNA per milliliter of sample or per total volume of sample tested.

Lorincz does not teach or suggest that positive expression of E6 mRNA from at least one of HPV types 16, 18, 31, 33 or 45 is the presence of more than 50 copies of said E6 mRNA per milliliter of sample or per total volume of sample tested. Thus, Lorincz does not provide or suggest all of the elements of the claimed invention, and therefore does not render the claimed

invention obvious. Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over Lorincz is respectfully requested.

2. *Rejection over Lorincz in combination with Hendricks (US 5,580,970)*

The Examiner maintained the rejection of claim 21 under 35 U.S.C. § 103(a) as being unpatentable over Lorincz (WO 99/29890 A2) as applied to claim 1, and further in view of US 5,580,970 (Hendricks).

Without conceding the correctness of the rejection, Applicant has amended claim 1 to facilitate allowance of the claims by reciting that positive expression refers to presence of more than 50 copies of said E6 mRNA per milliliter of sample or per total volume of sample tested.

As noted above, Lorincz does not teach or suggest that positive expression of E6 mRNA from at least one of HPV types 16, 18, 31, 33 or 45 is the presence of more than 50 copies of said E6 mRNA per milliliter of sample or per total volume of sample tested. Hendricks does not remedy this deficiency in the disclosure of Lorincz by teaching or suggesting that positive expression refers to presence of more than 50 copies of said E6 mRNA per milliliter of sample or per total volume of sample tested. Thus, the combination of Lorincz and Hendricks does not provide or suggest all of the elements of the claimed invention, and therefore does not render the claimed invention obvious.

Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over Lorincz and Hendricks is respectfully requested.

### **CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: August 14, 2008

Respectfully submitted,

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**WGS Date: X08/14/08X**